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and SIEMENS AKTIENGESELLSCHAFT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NEUROGRAFIX, a California corporation;
WASHINGTON RESEARCH
FOUNDATION, a not-for-profit Washington
corporation,
Plaintiffs,
vs.
SIEMENS MEDICAL SOLUTIONS USA,
INC., a Delaware corporation; and SIEMENS
AKTIENGESELLSCHAFT, a German
corporation,
Defendants
}

CASE NO. CV 10-1990 MRP(RZX)
**DECLARATION OF SEAN M.
MCEDOWNEY IN FURTHER
SUPPORT OF SIEMENS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT OF
INVALIDITY BASED ON
INDEFINITENESS OF
"CONSPICUITY" IN CLAIMS 1,
3-7, 11-13, 18-20, 22-25, 28, & 35 IN
U.S. PATENT NO. 5,560,360**
**The Hon. Mariana R. Pfaelzer
United States District Court Judge**

**The Hon. Mariana R. Pfaelzer
United States District Court Judge**

Hearing date: October 5, 2011
Time: 11 a.m.
Location: Courtroom 12

1 SIEMENS MEDICAL SOLUTIONS USA,
2 INC.,
3 Counterclaim Plaintiff,
4 vs.
5 NEUROGRAFIX, and WASHINGTON
6 RESEARCH FOUNDATION,
7 Counterclaim Defendants.

8 I, Sean M. McEldowney, hereby declare:

9 1. I am an attorney at the law firm of Kirkland & Ellis LLP, which
10 represents Siemens Medical Solutions USA, Inc. and Siemens Aktiengesellschaft
11 (collectively "Siemens") in the above-captioned matter.

12 2. Attached hereto as Exhibit IND18 is a true and correct copy of excerpts
13 from the deposition of Michael N. Brant-Zawadzki, M.D., dated August 16, 2011.

14 3. Attached hereto as Exhibit IND19 is a true and correct copy of excerpts
15 from the deposition of R. Nick Bryan, M.D., dated September 7, 2011.

16 4. Attached hereto as Exhibit IND20 is a true and correct copy of the
17 declaration of R. Nick Bryan, M.D., dated September 22, 2011.

18 5. Attached hereto as Exhibit IND21 is a true and correct copy of excerpts
19 from the deposition of Jay S. Tsuruda, M.D., dated February 25, 2011.

20 6. Attached hereto as Exhibit IND22 is a true and correct copy of excerpts
21 from the rebuttal expert report of Aaron G. Filler, M.D., dated February 1, 2011.

22 7. Attached hereto as Exhibit IND23 is a true and correct copy of L. C.
23 Blake et al., *Sacral Plexus: Optimal Imaging Planes for MR Assessment*, 199(3)
24 Radiology 767 (1996); TSURUDA001636-41.

25 8. Attached hereto as Exhibit IND24 is a true and correct copy of excerpts
26 from the deposition of Aaron G. Filler, M.D., dated February 22, 2011.

27 I hereby declare, under penalty of perjury, that the foregoing statements are true
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1 and correct to the best of my personal knowledge.
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5 Respectfully submitted,
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Dated: September 22, 2011

/s/ Sean M. McEldowney
Sean M. McEldowney

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2011, a copy of the foregoing DECLARATION OF SEAN M. McELDOWNEY IN FURTHER SUPPORT OF SIEMENS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY BASED ON INDEFINITENESS OF "CONSPICUITY" IN CLAIMS 1, 3-7, 11-13, 18-20, 22-25, 28, & 35 IN U.S. PATENT NO. 5,560,360 was served upon counsel of record for Plaintiffs registered with the Court's CM/ECF system.

/s/Sean M. McEldowney